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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Duane Allen Ansel

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EXAMINER

NGUYEN, THUY-VI THI

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/775,757	<b>Applicant(s)</b> ANSEL ET AL.	
	<b>Examiner</b> THUY-VI NGUYEN	<b>Art Unit</b> 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3-13; 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-13, 16-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/03/09 has been entered.

2. This is in response to the applicant's communication filed on November 03, 2009 wherein

Claims 1, 3-13, 16-30 are currently pending;

Claims 1, 4-5, 11, 16-17, 29-30 have been amended;

Claims 2, 14-15 have been cancelled.

### ***Drawings***

3. The drawings are objected to because the text in the figures is very difficult to read. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

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is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. Claims 3, 29-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) Dep. claim 3, recites the phrase "the event owner", there is insufficient antecedent and basis for this limitation.

2) Independent claim 29 recites in the phrase in preamble "the requested service" and the phrase "the event owner" in the first step, there is insufficient antecedent and basis for this limitation.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims **1, 3-13, 16-30** are rejected under 35 U.S.C. 102(e) as anticipated by YOSHIDA ET AL (US 2003/0093361)

**As for independent claim 1**, YOSHIDA ET AL discloses a method for facilitating an exchange of a service or intangible, non-monetary asset for use in an event for a sponsorship {see par. 0002}, the method comprising:

a) recording/receiving a request (information/data) using a computing device, for at least one service, non monetary asset for use in an event, and the request having a fulfillment cost related to the event;

{see figures 1, 4-6 and pars. 0002; 0153-0156; 0222; 0319-0324 which discloses a requestor input the request information for a service, non monetary asset (commodities or services) for use in an event, wherein *the items to be entered in desired amount, prices for furnishment of the commodities or service*, desired in the

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sponsor. This requested *information are recorded in the input data recording unit 20C* as in figure 4, par. 0323};

b) using the computing device to associate the request (information) with a sponsorship offer (another information) comprising a sponsorship opportunity for a provider (sponsor) of the service, non monetary asset at the event, the sponsorship opportunity to at least partially defray the fulfillment cost of the request;

{see figures 1, 4-6; pars. 0319-0324; 0327-0329 discloses *the request is associated with desired conditions for sponsorship* (sponsorship opportunity). The desired conditions for sponsorship include *commodities or services, quantity, date and time of execution or use, site of use of delivery, amount, condition of use, conditions of distribution, items are to be entered in desired amount, prices for furnishment of the commodities or services*}}.

c) making the request and the associated sponsorship offer available to a providers of the requested service, non-monetary asset using computing device.

{see figures 1, 4-6 and 8; pars. 0022-0225; 0331-0333 discloses issue or sending the request along with the desired conditions for sponsorship (sponsorship opportunity) to the sponsor business operator (provider) of the requested service.

As for the limitation in (a) of “the request having a fulfillment cost related to the event”, or the request having a cost or price of the service or materials required to fulfill (carry out) the event, this reads over “, desired amount, prices for furnishment of the commodities or service, desired in the sponsor. This requested *information are recorded in the input data recording unit 20C* as in figure 4, pars 0322-0323}.

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As indicated above in paragraph (b), the term “defray the cost” is interpreted as “a given a way amount of money” or “pay the cost for a sponsorship event” and this is inherently included in the teaching of YOSHIDA ET AL as shown on pars. [0321-0323] which indicated “prices for furnishment of the commodities or service,” or the cost by the sponsorship for carrying out the event activities which would inherently defray at least partially the fulfillment cost of the request.

**Note:** This appears to be a “data processing” method (using a computing device to record, associate and making a request/information”, therefore, “data” or “information” about the “request” and “sponsorship offer” such as “*a fulfillment cost, sponsorship opportunity;*” have been determined to be non-functional descriptive material (NFDM), because the “request” and “sponsorship offer” information/data is only recorded, associated and making this type of information available to a user (provider).

Therefore, the “request” and “sponsorship offer” information is given no patentable weight and does not need to be taught by the prior art. Nonfunctional descriptive material can not render nonobvious an invention that would have otherwise been obvious. In re Gulack, 703 F. 2d 1381, 1385, 217 USPQ 401, 40-4 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. See MPEP 2106.01.

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**As for dep. claim 3**, YOSHIDA ET AL discloses the sponsorship offer presented to the event owner/requestor is a configurable sponsorship offer capable of being modified by the requestor/event owner {see at least figures 5-6; pars. 0227; 0322-0323}.

**As for dep. claims 4-6**, which discloses receiving a modification of the sponsorship offer from the event owner/requestor, wherein this modification is the modification of the sponsorship offer determines a portion of the fulfillment cost of the request defrayed by the sponsorship opportunity; and the modification of the sponsorship offer relates to a sponsorship exposure given to the provider at the event. This is taught in YOSHIDA ET AL

{see at least figures 5-6; pars. 0322-0323; discloses the requestor enter the desired amount of the items of for the event, the prices for furnishment of the commodities or service; and figure 10; 0345-0347 discloses receiving the requested amount from the requestor}.

**As for dep. claim 7** which discloses identifying a provider (sponsor or registered member) capable of providing the requested service, non-monetary asset. This is taught in YOSHIDA ET AL {see at least figures 10, 13 and 14; pars. 0394-0398 discloses the determine/identify the "register member/sponsor" to whom the sponsorship request is to be distributed; or whom meet with the sponsorship requester information}.

**As for dep. claim 8**, which discloses transmitting the request and associated sponsorship offer to the identified provider, this is taught in YOSHIDA ET AL {see at least figures 10, 13 and 14; pars. 0394-0398.



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**As for dep. claims 9-10** which discloses receiving an acceptance and counteroffer of the requested and associated the sponsorship offer from the identified provider, this is taught in YOSHIDA ET AL {see at least figure 16; pars. 0424-0427}.

**As for dep. claims 11-12**, which discloses the counter offer modifies a portion of the fulfillment cost of the request; and it is given to the identified provider at the event; this is taught in YOSHIDA ET AL {see at least figures 5, 6 and 10}

**As for dep. claim 13**, which discloses presenting a catalog of non-monetary assets or services to the event owner to assist the event, this is taught in YOSHIDA ET AL, see at least figures 4-6; 0002; 0234, 0321-0323.

**As for independent claim 16**, YOSHIDA ET AL disclose a system for facilitating an exchange of a service, non-monetary asset for use in an event for a sponsorship opportunity, comprising:

a) an agent server (brokerage server) coupled to a network {see figure 1-3, 12; at least pars. 0006; 0044; 0222-0225; 0234-0236}; and

b) a request database communicatively coupled to the agent server and comprising a catalog of a plurality of services non-monetary assets available use in an event, each of the plurality of services in the catalog having a respective fulfillment cost related to the event {see at least figures 1-3, 21; 0044-0046; 0222-0225; 0234-0236; 0480}

wherein the agent server is configured to present the catalog to an event owner (a request for sponsorship) and configured to perform the similar steps of independent

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claim 1 above. Therefore, it is rejected for the same reason sets forth the rejected independent claim 1 as indicated above.

**As for dep. claim 17**, which discloses the agent server identifies a provider capable of providing the requested service, this is taught in YOSHIDA ET AL {see at least figures 10, 13 and 14; pars. 0394-0398.

**As for dep. claim 18**, which discloses the agent server transmits the request and associated sponsorship offer to the identified provider, this is taught in YOSHIDA ET AL {see at least figures 10, 13 and 14; pars. 0394-0398.

**As for dep. claim 19**, which discloses wherein the agent server receives an acceptance of the request and associated sponsorship offer from the identified provider, this is taught in YOSHIDA ET AL {see at least figure 16; pars. 0424-0427}.

**As for dep. claims 20-22**, which discloses the agent server, receives a counteroffer from the identified provider responsive to the request and associated sponsorship offer, and the agent server is to accept the counteroffer and transfer the counteroffer to the event owner. This is taught in YOSHIDA ET AL {see figures 14, 16-18; pars. 0225-0228; 0394-0398}.

**As for dep. claims 23-24**, which discloses the counteroffer modifies the portion of the cost of requested service by the sponsorship opportunity; and the counter offer modifies a sponsorship exposure given to the provider at the event; This is taught in YOSHIDA ET AL {see at least figures 5-6; 10 pars. 0322-0323; 0345-0347}.

**As for claims 25-28**, which discloses receiving the bid/information/price responsive to the request and associated sponsorship offer; and select the bids/prices

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to a predetermine criteria associate with the request, this is taught in YOSHIDA ET AL {see at least figures 5-6;10 pars. 0322-0323;0345-0347}.

**As for independent claim 29**, YOSHIDA ET AL discloses a computer readable storage medium comprising instructions to cause a computing device to perform a similar method steps in the above rejected independent claim 1, therefore it is rejected for the same reason sets forth the independent claim 1 above. Furthermore, YOSHIDA ET AL also discloses the step presenting to the event owner (broadcast business operator/requestor) a catalog of services available from one or more providers (sponsor) for use in the event {see at least figures 4-6, and 21; pars. 0319-0324;0479-0481}.

**As for dep. claim 30**, which deals with the providers/sponsor receiving the a plurality of bids/or an price offer, and selecting price offer for the sponsorship request from the owner/sellers, this is fairly taught in YOSHIDA ET AL {see figures 14, 16-18; pars. 0225-0228; 0394-0398}.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 3-13, and 16-30 have been considered but are moot in view of the new ground(s) of rejection.

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1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Tan Dean D. Nguyen/

Primary Examiner, Art Unit 3689

1/19/10